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| DISTRICT OF NEVADA                        |           |
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JULIO SMITH PARRA,

*Plaintiff,*

vs.

E.K. McDANIEL, *et al.*,

*Defendants.*

3:12-cv-00398-RCJ-WGC

~~2:12-cv-00398-RCJ-WGC~~

ORDER

Plaintiff, a Nevada state inmate, has filed an application (#1) to proceed *in forma pauperis* seeking to initiate a civil rights action.

The application is incomplete. Both a financial certificate properly executed by an appropriate institutional officer and a statement of the plaintiff's inmate trust fund account for the past six months are required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2. Plaintiff attached an account statement and a financial certificate, but the financial certificate was not executed by an appropriate institutional officer.

It does not appear from review of the allegations presented that a dismissal without prejudice will materially impact the analysis of the timeliness of a promptly-filed new complaint. Plaintiff's claims either are timely under the argument advanced in his associated papers or, if that analysis does not prove persuasive as to a claim or claims, the limitations period instead long since will have expired.

IT THEREFORE IS ORDERED that the application to proceed *in forma pauperis* (#1) is DENIED and that this action shall be DISMISSED without prejudice to the filing of a new

1 complaint on the required form in a new action together with either a new pauper application  
2 with all required attachments or payment of the \$350.00 filing fee.

3 The Clerk of Court shall SEND plaintiff a copy of the papers that he filed along with the  
4 complaint and pauper forms and instructions for both forms.

5 The Clerk shall enter final judgment accordingly, dismissing this action without  
6 prejudice.

7 DATED: November 21, 2012

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10 ROBERT C. JONES  
11 Chief United States District Judge  
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